

1 QUIN DENVER, Bar #49374
2 Federal Defender
3 DANIEL J. BRODERICK, Bar #89424
Assistant Federal Defender
3 801 I Street, 3rd Floor
Sacramento, California 95814
4 Telephone: (916) 498-5700
Telecopier: (916) 498-5710

5
6 Attorneys for Defendant
JOSEPH McELROY

7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,) NO. CR S-05-167-DFL
12 Plaintiff,)
13 v.) STIPULATION CONTINUING STATUS
14 JOSEPH McELROY,) CONFERENCE AND EXCLUDING TIME;
15 Defendant.) PROPOSED ORDER
16 _____)
17) Judge: Hon. David F. Levi
18)
19)

20 A status conference is currently scheduled in this case for
21 Thursday, January 12, 2006. Plaintiff United States of America and
22 Defendant JOSEPH McELROY, through their respective attorneys, hereby
23 stipulate and agree to continue the status conference until Thursday,
February 23, 2006 at 10:00 a.m. Mr. McElroy's counsel is continuing to
24 investigate this case and needs additional time to prepare.

25 In light of this, the parties further stipulate and agree that the
time period from today, January 11, 2006, to February 23, 2006, be
26 excluded under the Speedy Trial Act, 18 U.S.C. §3161(h)(8)(B)(iv) and
Local Code T4, because the failure to grant such a continuance would
27 deny counsel for the defendants the reasonable time necessary for
28

1 effective preparation, taking into account the exercise of due
2 diligence.

3 Dated: January 11, 2006

Respectfully submitted,

4 McGREGOR W. SCOTT
United States Attorney

DENNIS WAKS
Acting Federal Defender

5
6 /s/ Kenneth J. Melikian
KENNETH J. MELIKIAN
Assistant U.S. Attorney

7
8 Attorneys for Plaintiff
UNITED STATES OF AMERICA

/s/ Daniel J. Broderick
DANIEL J. BRODERICK
Chief Assistant Federal Defender

9
10 Attorneys for Defendant
JOSEPH McELROY

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) NO. CR S-05-167-DFL
Plaintiff,)
v.) ORDER CONTINUING STATUS
JOSEPH McELROY,) CONFERENCE
Defendant.)
Judge: Hon. David F. Levi
)

Pursuant to the stipulation of the parties, filed on January 11, 2006, IT IS HEREBY ORDERED that the status conference in this case currently scheduled for January 12, 2006, shall be continued to February 23, 2006, at 10:00 a.m. IT IS FURTHER ORDERED that, for the reasons stated in the stipulation, the time period from January 11, 2006, to February 23, 2006, be excluded under the Speedy Trial Act, 18 U.S.C. §3161(h) (8) (B) (iv) and Local Code T4, because the failure to grant such a continuance would deny counsel for the defendants the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Dated: January 11, 2006


DAVID F. LEVI
United States District Judge